



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 25, 1996

Mr. John Steiner
Division Chief
City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-1088

OR96-1938

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101488.

The City of Austin (the "city") received an open records request for computer access to two categories of information: 1) the "dispatch" database that reveals the locations and dates of automobile collisions and 2) the database that contains accident collision information derived from Peace Officer Accident Reports as set out in section 47 of article 6701d, V.T.C.S. You state that the release of the "dispatch" information is "not at issue here,"¹ and that the Peace Office Accident Report information has not been entered into the city's computer, but rather exists only in the hard copies of the accident report themselves. Because the accident reports are the only records the city holds that are responsive to the second category of information, you have requested an open records decision regarding those records. You contend the accident reports are confidential under section 47 of article 6701d, V.T.C.S., and therefore must be withheld pursuant to section 552.101 of the Government Code.²

¹You have not made clear to this office the manner in which the city complied with the request for the dispatch log information. The requestor specifically seeks the creation of a "customized program," if such is necessary, to facilitate his request for access to the city's database. See Gov't Code §§ 552.231, 552.272. This office assumes that the city has either provided the requestor with access to the database, complied with the requirements of section 552.231, or released a "suitable" copy of the dispatch information with the consent of the requestor. See Gov't Code §§ 552.221, 552.228.

²Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

In the past legislative session, the legislature, in House Bill 391, amended article 6701d, V.T.C.S., to provide that a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request to, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident.³ Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413. Because the requestor has not yet supplied the required information to the city, the accident reports must be withheld at this time pursuant to section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/RWP/rho

Ref.: ID# 101488

Enclosures: Submitted documents

cc: Mr. Gene R. Beaty
5001 LBJ, Suite 700
Dallas, Texas 75244
(w/o enclosures)

³This act, however, applies only to "accident reports" required by article 6701d, V.T.C.S., or by article 6701h, V.T.C.S. Because the requested "dispatch logs" do not fall within the definition of "accident reports" that are addressed in House Bill 391, this law does not apply to those records.